

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSE PEREZ,

No. C 12-00788 DMR

Plaintiff,

**ORDER OF REASSIGNMENT; REPORT  
AND RECOMMENDATION TO DENY  
APPLICATION TO PROCEED *IN*  
*FORMA PAUPERIS***

v.

JP MORGAN CHASE BANK NA,

Defendants.

On February 17, 2012, Plaintiff Jose Perez filed a complaint and an application to proceed *in forma pauperis* in this action. By order dated March 1, 2012, the court ordered Plaintiff to supplement his IFP application by submitting a statement to clarify the full amount of the mortgage owed on his home, and not just the monthly payment on the mortgage, in response to question number 5 on the application. Because Plaintiff failed to submit a timely supplement to his IFP application, the court issued an order to show cause on March 14, 2012, requiring Plaintiff to submit a statement explaining his failure to respond to the March 1, 2012 order. Plaintiff did not file a response to the order to show cause.

Plaintiff's IFP application does not include sufficient information about Plaintiff's assets to properly evaluate whether Plaintiff is unable to pay the fees. The attachments to the complaint show that Plaintiff signed a note for \$372,000, but it's not clear from the IFP application or the complaint how much of that amount he currently owes. The attachments to the complaint also demonstrate that Plaintiff's original monthly mortgage payment was \$2,340.50, but he states on the IFP

1 application that he owes \$5,321.49 for the Amount of Mortgage. As the court noted in its March 1,  
2 2012 order, the court cannot determine what this mortgage amount represents, whether it is his  
3 monthly mortgage payment or the full amount of the mortgage owed on his home, or some other  
4 amount.

5 Because Plaintiff has not filed a consent to proceed before a United States Magistrate Judge,  
6 the court orders that this action be randomly reassigned to a United States District Judge. The court  
7 further recommends to the assigned District Judge that Plaintiff's IFP application be denied without  
8 prejudice because the financial information supplied by Plaintiff is insufficient to evaluate how  
9 much Plaintiff owes on his mortgage and because Plaintiff failed to file a response either to the order  
10 requiring supplemental information or to the order to show cause.

11 IT IS SO ORDERED.

12  
13 Dated: April 10, 2012



14  
15 DONNA M. RYU  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28